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AREA CODE 215  
691 5500

October 5, 1987

Commonwealth of Pennsylvania  
Board of Pardons  
Harrisburg, PA

Re: Mitchell Dominick DiVentura  
[REDACTED]

Dear Sirs:

Please be advised that the undersigned is the Special Prosecutor appointed by the Court of Common Pleas of Northampton County to prosecute the criminal case which resulted in the conviction of Mr. DiVentura of the offense of murder in the first degree.

I was appointed as Special Prosecutor in order to proceed with the prosecution after Mr. DiVentura had been granted a new trial. He had previously been convicted of murder in the first degree and the conviction was overturned and a new trial awarded. At the first trial he was prosecuted by the District Attorney of Northampton County and was represented by counsel other than the attorney who represented him at the second trial.

In preparing the case for the second trial, it was necessary for me to review the record of his first trial and in my judgment, his attorney at that time, who had no experience in handling a case of the gravity involved, completely botched the defense of the Defendant. It is my opinion that had the Defendant been represented properly at his first trial, the verdict would have been a guilty verdict of voluntary manslaughter and not of murder in the first degree.

In prosecuting Mr. DiVentura at his second trial, I was able to utilize almost his entire testimony as given at the first trial and which served in my judgment to persuade the jury to return again a verdict of murder in the first degree.

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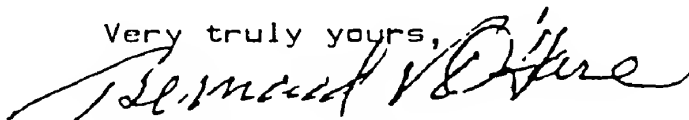
His new counsel at the second trial was unable to overcome the very damaging manner in which his testimony had been elicited at the first trial.

I have been involved in many murder trials, both as a prosecutor and as defense counsel and the facts relating to Mr. DiVentura's offense, in my judgment, did not warrant a verdict of murder in the first degree. I am convinced that the verdict resulted solely from the inept manner in which his testimony was presented at the first trial and my ability to use that testimony at his second trial. In fact, prior to the commencement of the second trial, myself and his defense counsel submitted to the Court a proposed negotiated plea in which I had agreed to accept a plea from Mr. DiVentura to a lesser charge namely, murder in the third degree. I felt that the case would be well disposed of in securing a conviction of that severity, knowing that his case properly presented, could very easily result in a verdict of voluntarily manslaughter only.

I have had the opportunity since the trial to see Mr. DiVentura on a number of occasions when he has returned to Northampton County in connection with post-trial motions. I have also had the opportunity to communicate with him on those occasions and am convinced that Mr. DiVentura is truly remorseful for what he has done. I am also convinced that the punishment that he has undergone thus far more than suffices to satisfy social considerations as they relate to the unfortunate event in question.

Accordingly, I urge that his Petition for Commutation be granted.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bernard V. O'Hare".

Bernard V. O'Hare

BVOH/ai